

**Changes to legislation:** Children Act 1989, Cross Heading: Regulations as to placing of children with local authority foster parents is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 2

#### [<sup>F1</sup>SUPPORT FOR CHILDREN AND FAMILIES PROVIDED BY LOCAL AUTHORITIES IN ENGLAND]

##### Textual Amendments

- F1** Sch. 2 heading substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **121**

##### Modifications etc. (not altering text)

- C1** Sch. 2 modified (temp.) (12.2.2009 for E. and 31.3.2010 for W.) by [Children and Young Persons Act 2008 \(c. 23\)](#), ss. 8(3), 44, **Sch. 2 para. 2**; [S.I. 2009/268](#), **art. 3(1)(b)**; [S.I. 2010/749](#), **art. 2(a)**

##### Commencement Information

- II** Sch. 2 wholly in force at 14.10.1991 see s. 108(2)(3) and [S.I. 1991/828](#), **art. 3(2)**

### PART II

#### CHILDREN LOOKED AFTER BY LOCAL AUTHORITIES [<sup>F1</sup>IN ENGLAND]

##### Textual Amendments

- F1** Words in Sch. 2 Pt. 2 inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **112**

#### *[<sup>F1</sup>Regulations as to placing of children with local authority foster parents*

##### Textual Amendments

- F1** [Sch. 2 paras. 12A-12G](#) substituted for [Sch. 2 paras. 12-14](#) (1.9.2009 for E., 26.4.2010 for W.) by [Children and Young Persons Act 2008 \(c. 23\)](#), ss. 8(2), 44, **Sch. 1 para. 4**; [S.I. 2009/2273](#), **art. 2(2)(b)**, [S.I. 2010/1329](#), **art. 2(b)**

- 12E Regulations under section 22C may, in particular, make provision—
- (a) with regard to the welfare of children placed with local authority foster parents;
  - (b) as to the arrangements to be made by local authorities in connection with the health and education of such children;
  - (c) as to the records to be kept by local authorities;

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- (d) for securing that where possible the local authority foster parent with whom a child is to be placed is—
    - (i) of the same religious persuasion as the child; or
    - (ii) gives an undertaking that the child will be brought up in that religious persuasion;
  - (e) for securing the children placed with local authority foster parents, and the premises in which they are accommodated, will be supervised and inspected by a local authority and that the children will be removed from those premises if their welfare appears to require it.
- 12F (1) Regulations under section 22C may, in particular, also make provision—
  - (a) for securing that a child is not placed with a local authority foster parent unless that person is for the time being approved as a local authority foster parent by such local authority as may be prescribed [<sup>F2</sup>in regulations made by the Secretary of State];
  - (b) establishing a procedure under which any person in respect of whom a qualifying determination has been made may apply to the [<sup>F3</sup>Secretary of State] for a review of that determination by a panel constituted by [<sup>F4</sup>the Secretary of State].
- (2) A determination is a qualifying determination if—
  - (a) it relates to the issue of whether a person should be approved, or should continue to be approved, as a local authority foster parent; and
  - (b) it is of a prescribed description.
- (3) Regulations made by virtue of sub-paragraph (1)(b) may include provision as to—
  - (a) the duties and powers of a panel;
  - (b) the administration and procedures of a panel;
  - (c) the appointment of members of a panel (including the number, or any limit on the number, of members who may be appointed and any conditions for appointment);
  - (d) the payment of fees to members of a panel;
  - (e) the duties of any person in connection with a review conducted under the regulations;
  - (f) the monitoring of any such reviews.
- (4) Regulations made by virtue of sub-paragraph (3)(e) may impose a duty to pay to the [<sup>F5</sup>Secretary of State] such sum as that national authority may determine; but such a duty may not be imposed upon a person who has applied for a review of a qualifying determination.
- (5) The [<sup>F6</sup>Secretary of State] must secure that, taking one financial year with another, the aggregate of the sums which become payable to it under regulations made by virtue of sub-paragraph (4) does not exceed the cost to it of performing its independent review functions.
- (6) The [<sup>F7</sup>Secretary of State] may make an arrangement with an organisation under which independent review functions are performed by the organisation on the national authority's behalf.

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- (7) If the [<sup>F8</sup>Secretary of State] makes such an arrangement with an organisation, the organisation is to perform its functions under the arrangement in accordance with any general or special directions given by that national authority.
- (8) The arrangement may include provision for payments to be made to the organisation by the [<sup>F9</sup>Secretary of State].
- (9) Payments made by the [<sup>F10</sup>Secretary of State] in accordance with such provision shall be taken into account in determining (for the purpose of sub-paragraph (5)) the cost to that national authority of performing its independent review functions.

<sup>F11</sup>( 10 ) . . . . .

(11) In this paragraph—

“ financial year ” means a period of twelve months ending with 31st March;

“ independent review function ” means a function conferred or imposed on a national authority by regulations made by virtue of sub-paragraph (1) (b);

“ organisation ” includes [<sup>F12</sup>the Welsh Ministers,] a public body and a private or voluntary organisation.

#### Textual Amendments

- F2** Words in Sch. 2 para. 12F(1)(a) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **113(a)**
- F3** Words in Sch. 2 para. 12F(1)(b) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **113(c)(i)**
- F4** Words in Sch. 2 para. 12F(1)(b) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **113(b)**
- F5** Words in Sch. 2 para. 12F(4) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **113(c)(ii)**
- F6** Words in Sch. 2 para. 12F(5) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **113(c)(iii)**
- F7** Words in Sch. 2 para. 12F(6) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **113(c)(iv)**
- F8** Words in Sch. 2 para. 12F(7) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **113(c)(v)**
- F9** Words in Sch. 2 para. 12F(8) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **113(c)(vi)**
- F10** Words in Sch. 2 para. 12F(9) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **113(c)(vii)**
- F11** Sch. 2 para. 12F(10) omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **113(d)**
- F12** Words in Sch. 2 para. 12F(11) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **113(e)**

12G Regulations under section 22C may, in particular, also make provision as to the circumstances in which local authorities may make arrangements for duties imposed on them by the regulations to be discharged on their behalf.]

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1A)(aa) inserted by [2009 c. 24 Sch. 6 para. 21\(3\)](#)
- s. 4(1C) inserted by [2009 c. 24 Sch. 6 para. 21\(4\)](#)
- s. 4ZA(2)(aa) inserted by [2009 c. 24 Sch. 6 para. 22\(3\)](#)
- s. 4ZA(3A) inserted by [2009 c. 24 Sch. 6 para. 22\(4\)](#)
- s. 8(4)(k) inserted by [2021 c. 17 s. 52\(1\)](#)
- s. 31A(4A) inserted by [2014 c. 6 s. 15\(2\)\(b\)](#)